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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,403

02/26/2002

Timo Haataja

800.0324.U1(US)

3628

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

06/22/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/069,403	<b>Applicant(s)</b> HAATAJA ET AL.	
	<b>Examiner</b> Frantzy Poinvil	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/2010 &amp; 4/21/2010</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/2010 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US Patent No. 5,825,863).

As per claims 26-27, 29, 35-36, 38, 45-46, 48, Walker discloses a system and method for providing real time limited usage calling card to a plurality of subscribers who have subscribers to a prepaid calling plan. The system and method comprise enrolling the subscribers to one or more plans having one or more associated billing charges. In so doing, Walker discloses:

Maintaining the subscribers' record in a database including past and current call histories and purchases. The subscribers can add funds to their account. Thus, Walker discloses receiving a request to add minutes to an account or apply for a new prepaid account by having funds deducted from a credit card or a debit card. See column 4, lines 37-46. The added funds would enable a particular subscriber to add additional minutes to a current plan or to enroll to a new plan having a tariff scheme. Walker particularly states:

"The current balance of the account, as well as other cardholder information (e.g., billing information), is also stored in authorized cardholder accounts database 26. The balance of the account can be characterized as a monetary value, call time value or units value. Employing a units value enables different charges to be made for local, long distance or international calls, as well as an adjustment to be made for factors such as the time, date and/or week when the call is placed and the like. If the associated cardholder account has insufficient funds to pay for the cost of the telephone call, then a second account, such as a credit card or checking account, may be charged at step 46 and the balance of the calling-card account can be credited at step 48. In the preferred embodiment, charging and crediting of the cardholders' accounts may be done in blocks. For example, the cardholder's checking account can be debited by the cost of twenty (20) minutes of call time, and the card-holder's calling-card account can be automatically credited by such twenty (20) minutes of call time each time the balance of the calling-card account is reduced to zero (0) or some other preset level." See column 4, lines 41-58.

Walker does not specifically describe a tariff scheme. However, such is well known in the billing process of telecommunications. When a plan is selected, a tariff model or tariff

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scheme would have also been selected. Block teaches a system and method for providing prepaid services to a customer. Block teaches a tariff scheme having a plurality of rates. Block states:

“The Network Routing Device 30 also includes a memory 70 for storing information relating to the subscriber and services. The memory 70 can be subdivided into four submemories: the Communications Control Memory 72, the Billing Data Memory 74, the Tariff Memory 76, and the Detail Use Record Memory 78. The Communications Control Memory 72 stores information regarding the status of the subscribers, including, for example, whether a subscriber is on hook or off hook, as well as the telephone number called and other information. The Billing Data Memory 74 stores information regarding the subscriber's usable balance. The Tariff Memory 76 stores information relating to the charges for various types of services, i.e., the tariff, as wells as taxes and flat rate charges. The Detailed Use Record Memory 78 stores detailed information regarding call charges”. See column 6, lines to column 7, line 8.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Block into the system and method of Walker in order to allow a subscriber to select a specific plan at an affordable rate.

As per claims 28, 37, 47, Walker teaches charging a based on the time of day, the current time and a number is being called. see column 4, lines 41-58 of Walker.

Regarding claims 30-32, 39-41 and 49-50, the teachings of Walker are discussed above. Walker does not explicitly teach different types of vouchers or in response to determining that a

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voucher type is an allowed voucher type, crediting the prepaid account. The Examiner notes that it is well known in the art at the time of the invention that “A prepaid service is a service where a subscriber pays in advance his calls by buying vouchers. The prepaid service logic and prepaid service data are stored in the system...the prepaid service enables roaming subscribers to pay their local calls at local tariffs, whereas the use of the SIM card of their home service provider results in paying international tariffs to their home network and back”. Walker also teaches that, tariffs may be in time units, monetary values and unit values. Charging or billing one tariff model to a type of voucher would have been left as an agreement between users and the owners of the system of Walker. The motivation to introduce such a billing scheme in the system and method of Walker would have been to redistribute types of charges to a credit card or a billing card in case one of the client's billing card become exhausted.

As per claims 33-34, 42-43, the combination of Walker and Block discloses a plurality of tariff schemes and calling plans with different rates based on time, calling locations and calling destinations. A particular customer may enroll in a new plan or updates and/or add funds to a particular plan. Therefore, having a second or additional request and setting a tariff scheme or a current tariff scheme would have been obvious to one of ordinary skill in the art to do at the time of the invention in the combination of Walker and Block in order to allow a customer to make any particular changes in their account such as having a new calling plan with a better rate to call another country.

As per claim 44, the apparatus of the combination of Walker and Block is embodied in a wireless network mode.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/

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Primary Examiner, Art Unit 3691

/FP/  
June 18, 2010